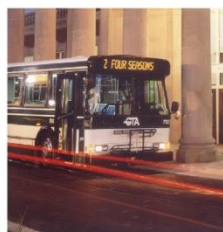




NORTH CAROLINA

Department of Transportation



Delivering Complete Streets: Applying Policy Updates and Design Flexibility

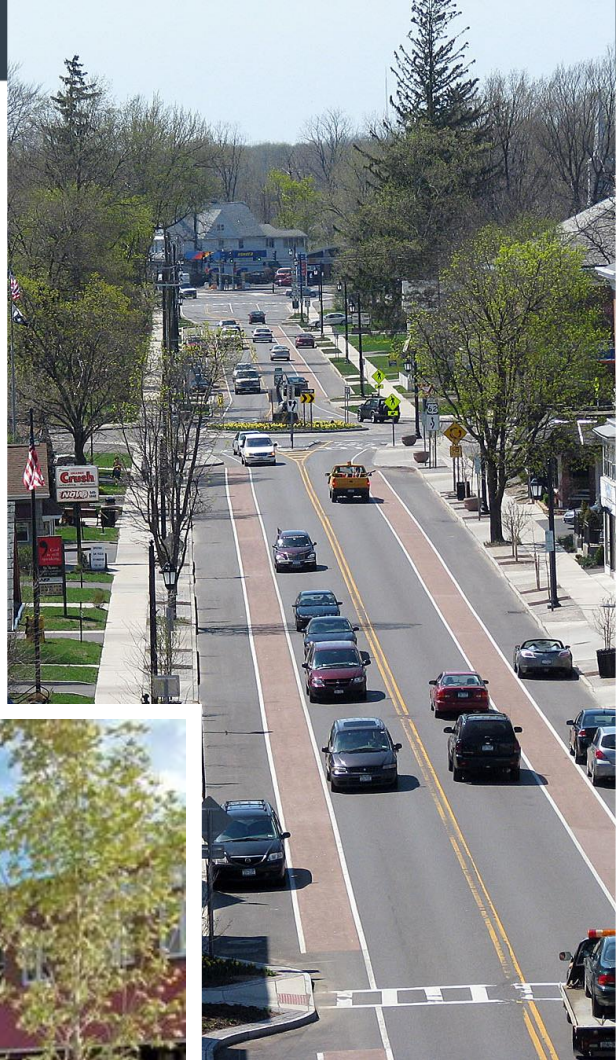
Aldea Coleman, Hanna Cockburn, Brenda Moore,
Melody Hairston, Alexander Walton

Preconstruction Workshop | March 27, 2019



NCDOT COMPLETE STREETS 2.0

Aldea C. Coleman
Policy Director
Office of Chief Deputy Secretary
NC Department of Transportation



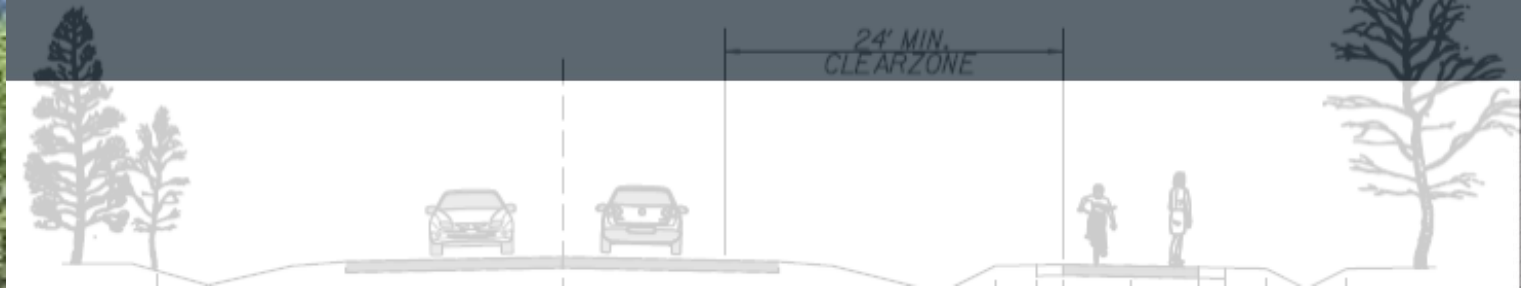
NCDOT is committed to a Complete Streets policy that enhances safety and provides an efficient network for all transportation modes.

- Ensure travelers get where they need to go easier
- Encourage the use of all modes of transportation
- Increasing connectivity between communities and transit systems
- Improving safety for pedestrians, cyclists, and motorists....scooter riders, roller skaters, hover board rider and whatever else is invented by this summer that will be on our roads!



Complete Streets 2.0

- An evaluation in 2018 identified obstacles that prevented full implementation of Complete Streets Policy.
- Recommendations
 - Created an internal Core Technical Team (CTT) to guide development of recommendations
 - Update and strengthen policy language
 - Embed Complete Streets elements in project delivery
 - Examine cost-share requirements for high-way projects
 - Examine and update NCDOT Complete Streets policies and processes



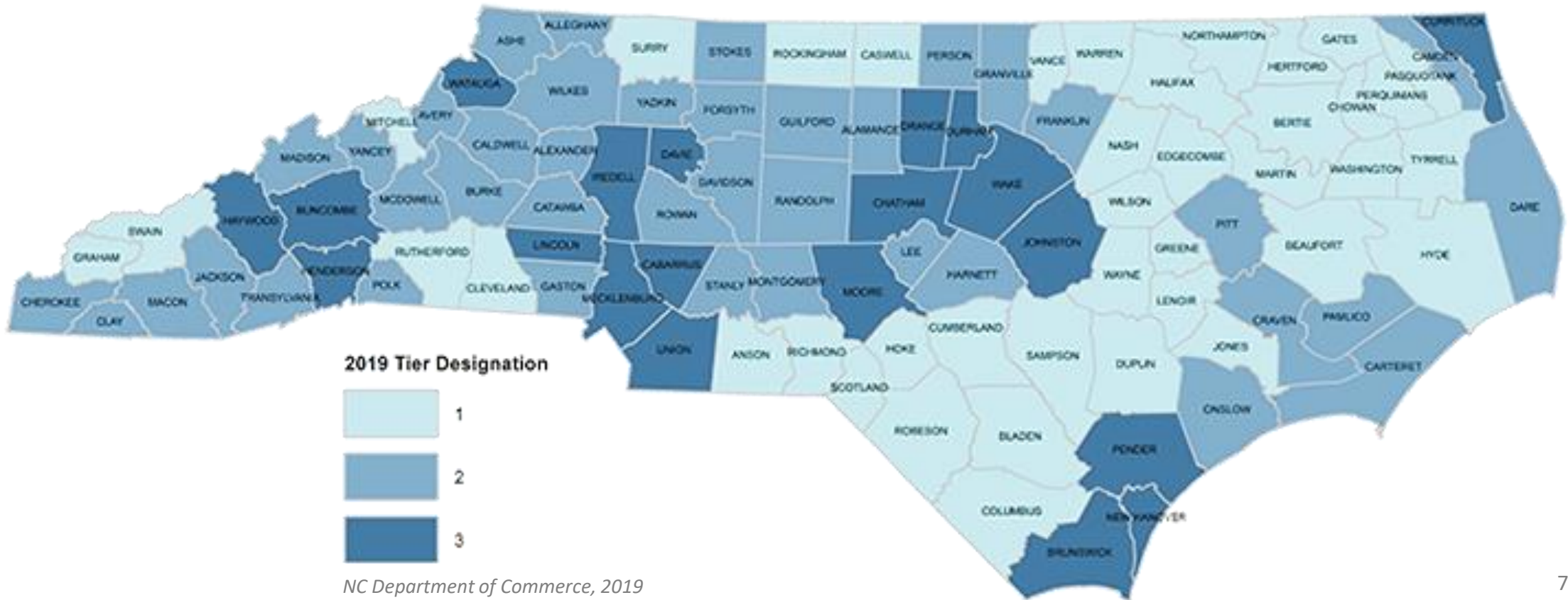
Strengthen Knowledge Base

- Identify Complete Streets responsibilities across the organization chart
- Establish cross functional Complete Streets Task Force
- Integrate Complete Streets via project improvement processes
 - Integrated Project Delivery (IPD)
 - Project ATLAS
 - CTP 2.0
 - SPOT 6.0
 - Roadway Design Typical Section Updates
- Internal Training to support CS Implementation
- External Complete Streets Workshop Trainings



Why? North Carolina is Changing

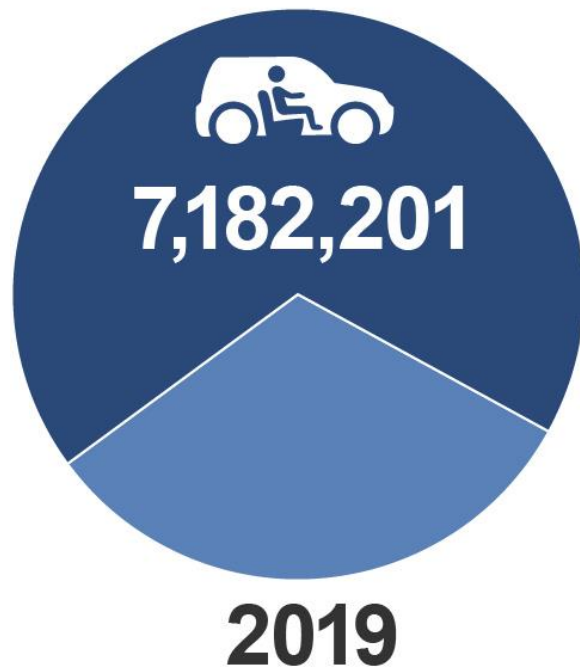
- Growing Population Centers
- Aging in Place
- Economic Restructuring
- Rapid Population Growth



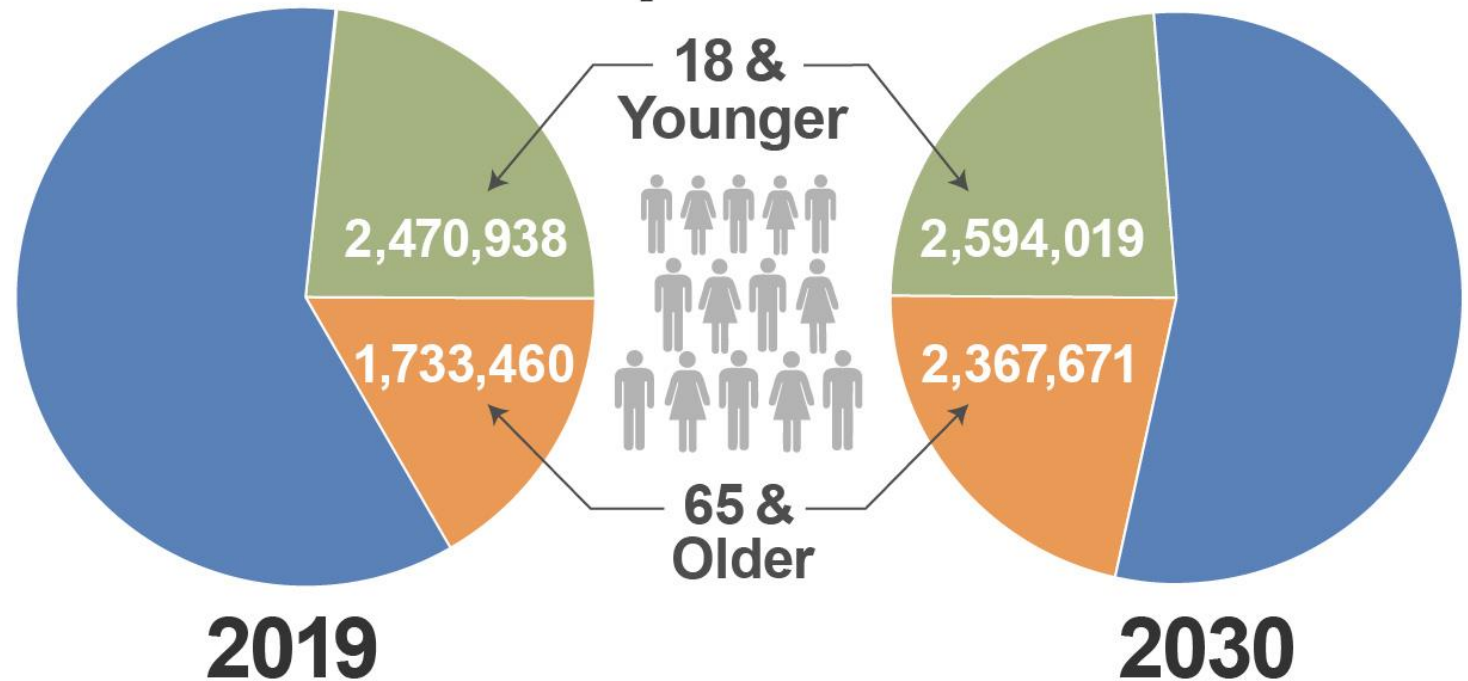
Why? Our Population is Changing

NC's current population of 10,524,548 is expected to top 12M by 2035

Active Drivers



Population

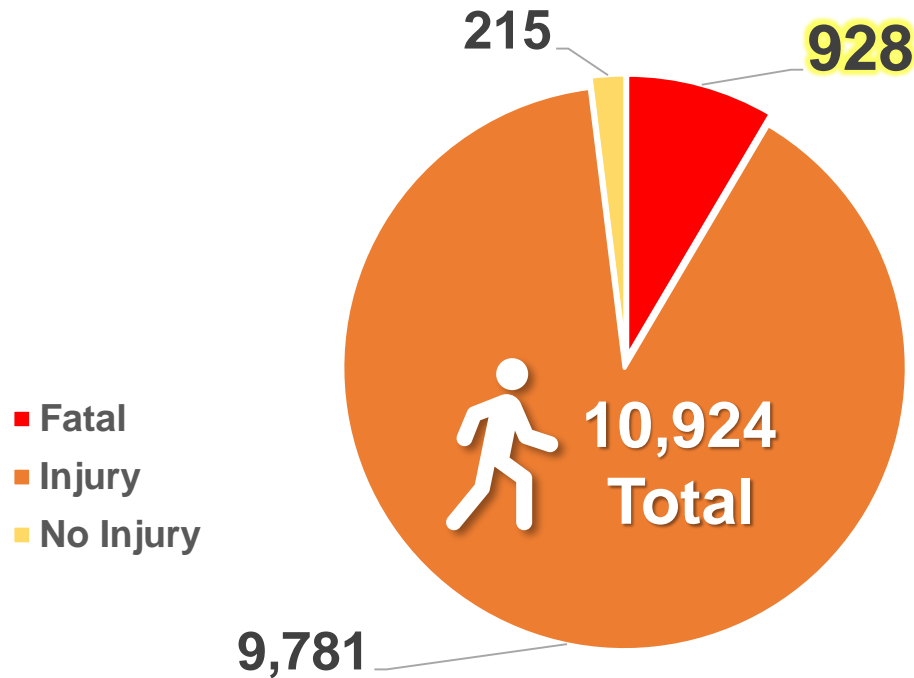


Why? The Landscape of Mobility is Changing



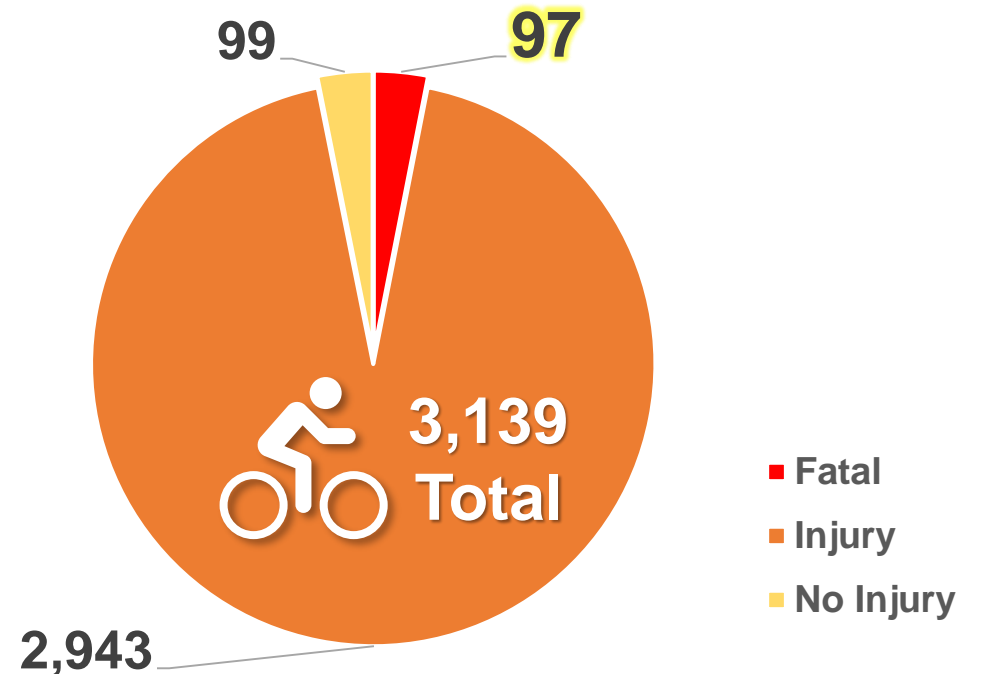
Why? Improve Vulnerable Road User Facilities

Pedestrian Crashes, 2013-2017



NC 7th highest total pedestrian fatalities by state

Bicycle Crashes, 2013-2017



NC 8th highest rate of bicycle fatalities per capita

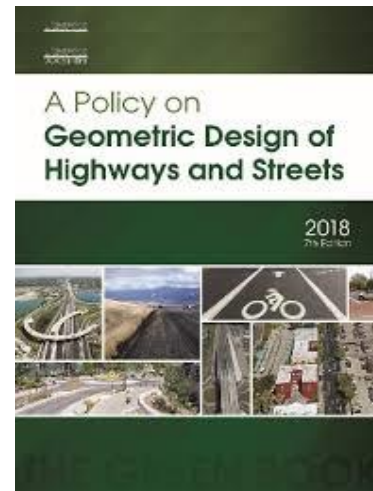
How? Integrating Our Policy Approach

- Greenway
- Bicycle
- Pedestrian
- Bridge
- Roadway



Green Book Update

- Formally known as *A Policy on Geometric Design of Highways and Streets*
 - It's a national policy used for the design of highways and streets
 - Most recent update in Fall of 2018



Two Major Themes

Multimodal Accommodations

- Consideration of all modes of travel during the design of every project
- Goal is balanced design that meets the network needs



Design Flexibility

- Leaving some design elements unchanged
- Reduction of current dimensions
- Tradeoffs



Design Flexibility

- Does not mean one can use arbitrary discretion



Documentation

Determine if a design exception is warranted:



YES, the signed DE packet will serve as your documentation.

NO, document in the project file What? Why? and How?

If you are not sure? Call the Roadway Design Unit



NORTH CAROLINA Department of Transportation



Tort Liability and Complete Streets

Melody Hairston, Special Deputy Attorney General
Alex Walton, Assistant Attorney General

March 2019

Today's Goals:

- The Three E's

- Educate

- Empower

- Encourage

- (Addendum: We recognize that empower and encourage are words not usually associated with lawyers)

Lawsuits, DOT, and Roadway Design

- Negligence claims against departments and agencies of the State are heard in the North Carolina Industrial Commission.
- The State may also be sued as a third party in a negligence action brought in a district or superior court.
 - E.g., A sues B, B sues NCDOT in the same lawsuit, making NCDOT a party to the case.



Relief Available?

- Only monetary damages may be awarded.
- Injunctive Relief (court-ordered act or prohibition against an act) is not allowed.
- The current cap on damages that may be awarded is \$1,000,000 (per plaintiff).

Litigation: What to Expect

- If the tort claim is active (filed or likely to be filed), the AG's office will cooperate with NCDOT's employees to defend the claim, which includes:
 - Investigation and Response
 - Discovery and Depositions
 - Trial preparation and testimony at trial



Expert Testimony

- You may be asked to provide testimony in order to explain applicable practices, standards, procedures, etc.
- You may be asked to assist in rebuttal of plaintiff's experts, who may be:
 - Independent professionals
 - Former NCDOT employees



Your help is critical...

- NCDOT's employees are our main sources of information.
 - Meeting deadlines is vital to successful litigation.
 - Timely and accurate investigation is important for: Answering the Complaint, Discovery, Trial Preparation, and Trial Testimony



Basis of Claims against DOT

- Construction
- Maintenance
- Design:
 - Design Issues raised by plaintiffs often include the application of design standards/guidelines (AASHTO and NCDOT's Standard Drawings and Design Guides) and engineering judgment.



LEGALESE...

- The Department of Transportation has the authority, duty and responsibility to plan, design, locate, construct and maintain the system of public highways in this State. G.S. 143B-346; Equipment Co. v. Hertz Corp. and Contractors, Inc. v. Hertz Corp., 256 N.C. 277, 123 S.E. 2d 802 (1962).
- The Department is vested with broad discretion in carrying out its duties and responsibilities with respect to the design and construction of our public highways. See Guyton v. Board of Transportation, 30 N.C. App. 87, 226 S.E. 2d 175 (1976).
- The policies of the Board of Transportation and the Department of Transportation and the myriad discretionary decisions made by them as to design and construction are not reviewable by the judiciary "unless [their] action is so clearly unreasonable as to amount to oppressive and manifest abuse." Id. at 90, 226 S.E. 2d at 177.

So, What's the Bottom Line?

- Technology and innovation will always be ahead of the law
- Litigation cannot always be avoided
- The best way to defend claims of negligent design:
 - Continue to use your skill, experience, expertise, discretion, and best judgment in making those decisions

DOT'S Goals Promote Innovation, Growth, and Forward Thinking

- Make transportation **safer**
- Provide GREAT customer service
- Deliver and maintain our infrastructure **effectively and efficiently**
- Improve the **reliability** and connectivity of the transportation system
- Promote economic growth through **better use of our infrastructure**
- Make our organization a great place to work



QUESTIONS

